

REMARKS

A reconsideration of the above-identified application is respectfully requested in view of the foregoing amendments and following discussion.

Drawings

The drawings were objected to under 37 CFR 1.83 (a) for failing to show every feature of the invention specified in the claims, specifically the biasing member. The biasing member has been cancelled from the claims, and the drawings, as previously submitted are believed to be in condition for allowance.

Specification

The specification was rejected under 37 CFR 1.75(d)(1) for failing to provide proper antecedent basis the claimed subject matter, specifically the biasing means in claim 23. Claim 23 has been cancelled, and, accordingly, the specification as originally submitted is believed to be in condition for allowance.

Claim Rejections – 35 U.S.C. § 112

Claims 2-5, inclusive, 7 and 8 were rejected as being indefinite in the recitation of “means for viewing the cartridge” in lines 7 and 14.

Independent claim 2 has been amended to clarify the definition of this means; accordingly, it is believed that as now presented, claim 2 and dependent claims 3-5, inclusive, 7 and 8 will now be found to define patentable subject matter.

Claim Rejections – 35 U.S.C. § 102

As set forth in the Detailed Action of 15 January 2003, claims 2-5, 7, and 8 were rejected under 35 U.S.C. 102(b) as anticipated by Wilmot et al., U.S. Patent No. 6,210,369. Applicant has amended claim 2 to more distinctly recite what the Applicant regards as his invention. Specifically, the cartridge receiving means has been amended

to read "an elongated, exposed, longitudinal slot extending coaxially relative to and inwardly of the syringe body, said slot being located between the open proximal end and the oppositely spaced open distal end of said syringe body."

The Examiner had previously stated that the longitudinal slot of the present invention was the same as the interior (12) of Wilmot et al. While the Applicant does not believe a slot located on a body of the present invention correlates to a cavity located inside a body as in Wilmot et al., Applicant has amended claim 1 to further distinguish the feature disclosed in the present invention. The present slot is an exposed slot located on the syringe body and extending inwardly into the syringe body. Such an arrangement is different from a body interior. The present invention has an open slot area along the syringe body to receive a cartridge. Wilmot et al. does not. The present arrangement allows for an easier design to insert and remove a cartridge over the prior art, including Wilmot et al. Accordingly, Applicant believes claim 2 as now recited presents patentable material, and allowance is respectfully requested. Also, claims 3-5, inclusive, 7, and 8, are believed to also be in condition for allowance as they depend from claim 2.

Claims 2, 3, 6, 7, 8, 11, 16-17 and 20-25 were rejected under 35 U.S.C. § 102(b) as being anticipated by Liu, U.S. Patent No. 5,931,813. As previously stated above with respect to Wilmot et al., Liu does not have a longitudinal slot located on the syringe body. While Liu has an interior, there is not a slot as currently claimed on the syringe body. Applicant believes the amended language in claim 2, as discussed above, recites patentable material in light of Liu. Similar language had been added to claims 6, 11, and 16. Accordingly, Applicant respectfully requests allowance of claims 2, 6, 11, and 16, along with dependent claims 3, 7, 8, and 17.

Previously allowed claims 20-25 were also rejected as being anticipated by Liu. Applicant reasserts that Liu does not have a longitudinal opening as stated in claim 20. In claim 20, Applicant has stated the syringe body comprises "... a hollow interior ... and a longitudinal opening." Applicant has specifically stated that the hollow interior is separate from the longitudinal opening. In Liu, the interior (21) would correspond to the hollow interior of the present invention, which is different than a longitudinal opening, for which Liu has no corresponding feature. Accordingly, Applicant believes


claim 20, as originally presented, along with dependent claims 21, 22, 24, and 25, contain patentable subject matter, and allowance is respectfully requested. Claim 23, as discussed above with respect to § 112, has been cancelled.

Claims 8, 18, and 22 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Liu in view of Janus, U.S. Patent No. 6,086,616. Applicant does not feel the combination of these patents would render the present invention obvious. As previously noted, Liu does not have an elongated, longitudinal opening that is a feature of the present invention. While Janus does have a similar opening, there is no teaching or suggestion to combine the two references. The purpose of Liu is to retract a needle into the interior of the syringe and then crush the needle against the inside of the syringe (see Figure 10). If a longitudinal opening was present, the needle of Liu may stick or fall outside of the syringe body when retracted, defeating the safety feature of Liu. Though Janus may have a looped handle member, which is the further claimed element in dependent claims 8, 18, and 22, it would not have been obvious to combine these two patents. Accordingly, Applicant believes claims 8, 18, and 22 contain patentably distinct material and requests that they be passed to allowance.

Claims 4, 5, 24, and 25 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Liu in view of Rossi, U.S. Patent No. 5,370,619. Neither Liu nor Rossi teach or suggest the longitudinal opening of the present invention as discussed above. Thus, it would not have been obvious to combine Liu and Rossi to arrive at the present invention, and Applicant requests that claims 4, 5, 24, and 25 be passed to allowance.

An early allowance of currently amended claims, 2, 6, 11, previously amended claims 3-5, inclusive, 7, 8, and 16-18, inclusive, along with original claims, 20-22, inclusive, 24 and 25 is respectfully requested. Claim 23 has been cancelled from the Application.

Respectfully Submitted,

By 
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